

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civ. No. 5:19-cv-00242-D

SILENA DUNAWAY,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

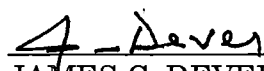
Defendant.

ORDER

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), seeking an award of \$11,137.25. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). In this case, the Commissioner has withheld a total of \$11,137.25, representing 25 percent of past due benefits paid to Plaintiff. The Court previously awarded Plaintiff attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,010.00.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 11,137.25, and refund to Plaintiff the smaller award between this amount and the EAJA award.

This 24 day of September 2021.



JAMES C. DEVER III
UNITED STATES DISTRICT JUDGE